

Message Text

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ACTION IO-13

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C O N F I D E N T I A L EC BRUSSELS 11970

E.O. 11652: GDS

TAGS: TECH, EEC

SUBJ: EURATOM/IAEA SAFEGUARDS

REF: (A) VIENNA 9731; (B) EC BRUSSELS 11406; (C) EC BRUSSELS
11969

1. MISSION IS SOMEWHAT PERPLEXED AND CONCERNED ABOUT THE TONE AND CONTENT OF REFTEL A. OF PERHAPS GREATEST CONCERN IS THE ALLEGATION (PARA 7, EFTEL A) THAT EURATOM AND JAPAN ARE INFORMALLY WORKING TOGETHER TO DEGRADE OR SOFTEN NUCLEAR SAFEGUARDS. WE HAVE ABSOLUTELY NO EVIDENCE TO SUPPORT THIS SERIOUS CHARGE AND FROM CONERSATIONS WITH RESPONSIBLE EC OFFICIALS WE DOUBT ITS ACCURACY. WE WOULD APPRECIATE ANY EVIDENCE THAT SUPPORT THE ALLEGATIONS.

2. ADDITIONALLY, REFTEL A FAILS TO RECOGNIZE THE MULTINATIONAL CHARACTER OF THE EURATOM SAFEGUARDS SYSTEM. IT IS NOT APPROPRIATE IN ARGUING FOR THE NEED FOR INDEPENDENCE OF IAEA VERIFICATION TO EQUATE EURATOM WITH INDIVIDUAL NATIONS. THE MULTINATIONAL CHARACTER OF THE EURATOM SYSTEM WAS RECOGNIZED IN ARTICLE 11 OF THE PROTOCOL OF THE 1973 IAEA/EURATOM VERIFICATION AGREEMENT (HEREINAFTER REFERRED TO AS THE AGREEMENT).

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3. WE HAVE BEEN UNABLE TO FIND EVIDNCE OF EURATOM (EC) EFFORTS

TO DENY INDEPENDENT VERIFICATION BY IAEA OR TO HAVE IAEA DELEGATE ITS VERIFICATION RESPONSIBILITIES TO EURATOM. ON THE CONTRARY, A CAREFUL REVIEW OF THE PROPOSED EC REGULATION FOR OBLIGATIONS OF MEMBER STATES (REFTEL B) AGAINST THE TERMS OF THE AGREEMENT REVEALS A VERY CLOSE CORRELATION. THE DEGREE OF INDEPENDENT IAEA INSPECTION IN THE PROPOSED REGULATION APPEARS TO US TO BE TOTALLY CONSISTENT WITH THE TERMS OF THE AGREEMENT. SOME SPECIFIC OBSERVATIONS RELATED TO CONTENTIONS IN REFTEL A FOLLOW:

(A) REFTEL A STATES THAT EURATOM INSISTS THAT IAEA NEED ONLY "OBSERVE" EURATOM SAFEGUARDS OPERATIONS. THIS IS NOT CONSISTENT WITH THE PROPOSED EC REGULATION WHICH ALLOWS FOR CONSIDERABLE INDEPENDENT IAEA INSPECTION (ARTICLES 2, 3, 4, 5, 6, 7, 8 AND 10 OF THE PROPOSED REGULATION). THE AGREEMENT, INCIDENTIALLY, ENCOURAGES THE AGENCY TO IMPLEMENT ITS OBLIGATIONS ONLY BY OBSERVATION WHENEVER IT CAN ACHIEVE ITS PURPOSES THROUGH THAT TECHNIQUE. (SEE ARTICLE 75 OF THE AGREEMENT AND ARTICLES 14B AND 24 OF THE ACCOMPANYING PROTOCOL.)

(B) PARA 5 OF REFTEL A EMPHASIZES AGAIN THE POSITION THAT THE IAEA CANNOT DELGATE ITS RESPONSIBILITY FOR VERIFICATION AND INDEPENDENT MEASUREMENT TO THE STATE. WE DO NOT ARGUE WITH THAT BUT WOULD POINT OUT AGAIN THAT EURATOM IS A MULTINATIONAL, EVEN SUPRANATIONAL, OPERATION, AND ALSO, AS NOTED ABOVE, WE DO NOT BELIEVE THAT THE EC IS ASKING IAEA TO DELEGATE ITS RESPONSIBILITY.

(C) PARA 8 OF REFTEL A NOTES CONCERN THAT PROPOSED EC REGULATION WILL CREATE UNDESIRABLE IMPEDIMENTS TO AGENCY'S FREELY EXERCISING ITS RIGHTS OF INDEPENDENT VERIFICATION. SPECIFIC REFERENCE WAS MADE TO ARTICLE 10 OF THAT REGULATION WHICH REQUIRES, INTER ALIA, CERTAIN WRITTEN DECLARATIONS FROM THE AGENCY PRIOR TO CARRYING OUT INDEPENDENT INSPECTION ACTIVITIES DURING THE COURSE OF ROUTINE INSPECTIONS. SUCH PRE-NOTICE IS CALLED FOR IN ARTICLE 77 OF THE AGREEMENT WHICH REQUIRES SPECIFIC CONSULTATION BETWEEN THE COMMUNITY AND THE AGENCY UNDER THESE CIRCUMSTANCES.

(D) PARA 9 OF REFTEL A IDENTIFIES AS A PROBLEM THAT EC INDUSTRIES ARE OPPOSED TO ACCEPTING AN INCREASED SAFEGUARDS BURDEN AS A RESULT OF THE AGREEMENT. WE DO NOT FIND THIS TO BE AN UNREASONABLE OR UNEXPECTED ATTITUDE. INDEED, THIS CONCERN WAS RECOGNIZED IN THE AGREEMENT WHICH IS REplete WITH CONDITIONS INTENDED TO PROTECT THESE INDUSTRIES FROM REDUNDANT

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EFFORTS (E.G. ARTICLES 4, 5, 8, 9, 31, 82, 84, 87, AND ARTICLES 1, 11, 13, 14, AND 24 OF THE PROTOCOL).

(E) PARA 11 OF REFTEL A IDENTIFIES AS THE BASIC QUESTION WHETHER U.S. CONCERN FOR CONFLICT WITHIN EURATOM SHOULD OVERRIDE U.S. CONCERN FOR EFFECTIVENESS AND CREDIBILITY OF IAEA SAFEGUARDS. AS NOTED ABOVE, WE DO NOT FULLY SHARE U.S. MISSION VIENNA'S VIEWS OF THE PRESENT SITUATION VIS-A-VIS IAEA AND EURATOM. ADMITTEDLY, THE FAILURE OF THE EC TO APPROVE THE PROPOSED

REGULAION IS OF CONSIDERABLE CONCERN AS PREVIOUSLY REPORTED AND WE CONTINUE TO BELIEVE THAT U.S. APPROAC TO FRANCE MIGHT BE A WORTHWHILE ACTION. HOWEVER, WE CANNOT AGREE THAT THE EC IS ATTEMPTING TO DOWNGRADE IAEA'S EFFECTIVENESS OR CREDIBILITY NOR IS IT ATTEMPTING TO SOFTEN ITS OWN SAFEGUARDS ACTIVITIES. WE BELIEVE THAT THE MORE BASIC QUESTION IS WHETHER THE U.S. WILL BE SATISFIED THAT THE RESULTING SAFEGUARDS SYSTEM FOR THE EURATOM COUNTRIES WILL BE ADQUATE TO PRESERVE OUR NONPROLIFERATION OBJECTIVS. TO THIS END, WE WOULD ARGUE THAT THE EXISTING EURATOM SAFEGUARDS HAVE PROVEN TO BE EFFECTIVE AND THAT THE REALIGNED SYSTEM TO ACCOMMODATE IAEA PROCEDURES WILL, IF ANYTHING, FURTHER STRENGTHEN THE DEGREE OF NONPROLIFERATION CONTROL WITHIN THE EURATOM COUNTRIES.

4. WE DO NOT BELIEVE A USEFUL PURPOSE WOULD BE SERVED IN U.S. RE-EMPHASIS TO EURATOM MEMBER STATES OF ITS CONCERN FOR ASSURING EFFECTIVE IAEA SAFEGUARDS, AS RECOMMENDED IN REFTEL A. WITH THE PRESENT SITUATION OF EC ATTEMPTING TO REACH FINAL AGREEMENT ON THE PROPOSED REGULATION WE BELIEVE THAT SUCH U.S. APPROACHES AT THIS TIME WOULD BE COUNTERPRODUCTIVE. BETTER THAT U.S. TAKE ACTION TO ASSIST THE EC IN FINAL IMPLEMENTATON OF THE VERIFICATION AGREEMENT (I.E. APPROACH FRANCE). WE BELIEVE THAT EURATOM AND IAEA WILL BE ABLE TO WORK OUT ANY REMAINING DETAILED DISAGREEMENTS WITHOUT COMPROMISING NONPROLIFERATION OBJECTIVES. HINTON

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